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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,083	08/11/2006	Marc Theisen	10191/3760	1555
26646 7590 09/25/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER PECHE, JORGE O	
			ART UNIT 3661	PAPER NUMBER
			NOTIFICATION DATE 09/25/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@kenyon.com

## Office Action Summary

Application No.

10/550,083

Applicant(s)

THEISEN ET AL.

Examiner

Jorge O. Peche

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/19/2005; 07/02/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Receipt is acknowledged of applicant's argument/remarks filed on July 02, 2007. Claims **5-8** are pending and an action on the merits is as follows.

Applicant's arguments with respect to claims **5-8** have been considered but are moot in view of the new ground(s) of rejection. Applicant has added new claims **9-10**.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **5-10** are rejected under 35 U.S.C. 102(b) as being unpatentable over **Takaya et al. (Patent No.: 5,497,327)**.

Regarding **claim 5**, Takaya discloses a method for protecting the vehicle occupant in a vehicle collision. The method comprises the steps of:

- Activating an occupant restraint system (R) as a function of a deceleration signal (1) (see col. 3. lines 7-41; Figure 1)
- Initiating the activating process when the deceleration signal exceeds a threshold level (noise threshold). A time is timed (time required) until the integrated value exceeds a threshold value in a collision; then an operating

timing (FT)(triggering time) of the occupant restrain system is determined

(see abstract; col. 5, lines 4-col.6, line 3; Figures 6-7).

Regarding **claim 6**, Takaya discloses an operation timing (FT) of an occupant restraint system (R) taking into account an offset constant (see col. 5, lines 65- col. 6, line 11).

Regarding **claims 7-8**, Takaya discloses a method for calculating an operating time (triggering time) as a function of a deceleration sensor signal (collision velocity) and crash types. Furthermore, a speed collision (collision velocity) is calculated with the aid of deceleration sensor (see abstract, col.3, line 62 – col. 4, line 45; Figures 3-4).

Regarding **claims 9-10**, Takaya discloses a method for calculating an operating time (FT) (triggering time) as a function of a deceleration sensor signal (collision velocity) and crash type. A speed collision (collision velocity) is calculated with the aid of deceleration sensor (see abstract, col.3, line 62 – col. 4, line 45; Figures 3-4).

Furthermore, Takaya discloses an operation timing (FT) (triggering time) of an occupant restraint system (R) taking into account an offset constant (see col. 5, lines 65- col. 6, line 11).

### ***Response to Argument***

Applicant's arguments filed on July 02, 2007, with respect to the rejections of **claims 5-8** under 35 U.S.C. 102(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a

new ground(s) of rejection is made as being unpatentable over **Takaya et al. (Patent No.: 5,497,327)** under 35 U.S.C. 102(b).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge O. Peche whose telephone number is 571-270-1339. The examiner can normally be reached on 8:30 am - 5:30 pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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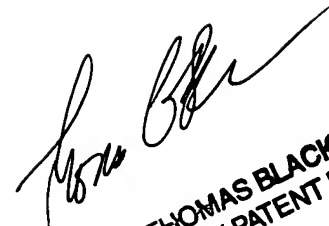
A handwritten signature in black ink, reading "Jorge Peche". The signature is fluid and cursive, with the first name "Jorge" and last name "Peche" clearly distinguishable.

Jorge O. Peche

Patent Examiner

Art Unit 3661

September 10, 2007

A handwritten signature in black ink, reading "Thomas Black". The signature is cursive and stylized, with the first name "Thomas" and last name "Black" clearly distinguishable.

**THOMAS BLACK**  
**SUPERVISORY PATENT EXAMINER**